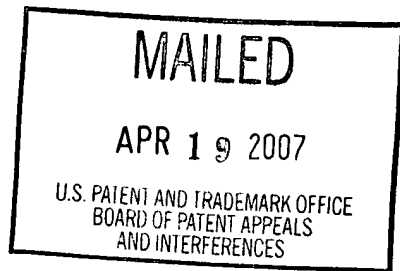


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JOHN ZHU and
MICHELE ANN JANNETTE



Application No. 09/840,954

This application was electronically received at the Board of Patent Appeals and Interferences on January 17, 2007. The application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matter requiring attention prior to docketing is identified below.

An Information Disclosure Statement (IDS) was filed on December 15, 2004. It is not apparent from the record that the Examiner properly considered the IDS submitted nor notified Appellants of why the submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Application 09/840,954

Accordingly, it is

ORDERED that the application is returned to the Examiner to

- 1) consider the Information Disclosure Statement filed on December 15, 2004;
- 2) to notify Appellants in writing of the Examiner's consideration; and
- 3) for such further action as may be appropriate, consistent with Office policy.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

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Chief Appeal Administrator
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DMS/eld

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